

PATENT  
Customer ID: 32425

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Michael J. Wallace

Serial No.: 10/811,775

Filed: March 29, 2004

For: MEDICAL DEVICES AND RELATED  
METHODS

Group Art Unit: 3731

Examiner: Unknown

Atty. Dkt. No.: UTXC:779US

**ELECTION UNDER 37 C.F.R. §§ 3.71 AND 3.73**  
**AND POWER OF ATTORNEY**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

The undersigned, being Assignee of record of the entire interest in the above-identified application by virtue of an assignment recorded in the United States Patent and Trademark Office as set forth below, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventor.

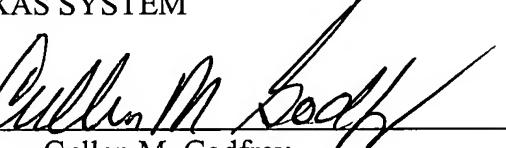
The Assignee hereby revokes any previous Powers of Attorney and appoints all attorneys or agents associated with Customer Number 32425, each of whom is an attorney or agent with the firm of FULBRIGHT & JAWORSKI L.L.P., as its attorney or agent, for so long as they remain with such firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, and to receive any Letters Patent.

Pursuant to 37 C.F.R. § 3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to BOARD OF REGENTS, THE UNIVERSITY OF TEXAS SYSTEM, referenced below, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Please direct all communications as follows:

Mark T. Garrett  
FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
512/474-5201

ASSIGNEE:  
BOARD OF REGENTS, THE UNIVERSITY  
OF TEXAS SYSTEM

By:   
Name: Cullen M. Godfrey  
Title: Vice Chancellor and General  
Counsel

Date: September 24, 2004

ASSIGNMENT:

Concurrently filed  
 Previously recorded

Date: \_\_\_\_\_

Reel: \_\_\_\_\_

Frames: \_\_\_\_\_

PATENT  
FILE NO. UTXC:779US

ASSIGNMENT

FOR GOOD AND VALUABLE CONSIDERATION, the receipt, sufficiency and adequacy of which are hereby acknowledged, the undersigned, does hereby:

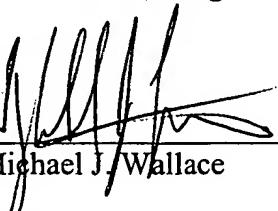
SELL, ASSIGN AND TRANSFER to BOARD OF REGENTS, THE UNIVERSITY OF TEXAS SYSTEM (the "Assignee"), having a place of business at 201 West 7th Street, Austin, Texas 78701, the entire right, title and interest for the United States and all foreign countries in and to any and all improvements which are disclosed in the application for United States Letters Patent, Serial No. 10/811,775 which has been filed on **March 29, 2004** and is entitled "**MEDICAL DEVICES AND RELATED METHODS**", such application and all divisional, continuing, substitute, renewal, reissue and all other applications for patent which have been or shall be filed in the United States and all foreign countries on any of such improvements; all original and reissued patents which have been or shall be issued in the United States and all foreign countries on such improvements; and specifically including the right to file foreign applications under the provisions of any convention or treaty and claim priority based on such application in the United States;

AUTHORIZE AND REQUEST the issuing authority to issue any and all United States and foreign patents granted on such improvements to the Assignee;

WARRANT AND COVENANT that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been or will be made to others by the undersigned, and that the full right to convey the same as herein expressed is possessed by the undersigned;

COVENANT, when requested and at the expense of the Assignee, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all such improvements; execute all rightful oaths, declarations, assignments, powers of attorney and other papers; communicate to the Assignee all facts known to the undersigned relating to such improvements and the history thereof; and generally do everything possible which the Assignee shall consider desirable for vesting title to such improvements in the Assignee, and for securing, maintaining and enforcing proper patent protection for such improvements;

TO BE BINDING on the heirs, assigns, representatives and successors of the undersigned and extend to the successors, assigns and nominees of the Assignee.

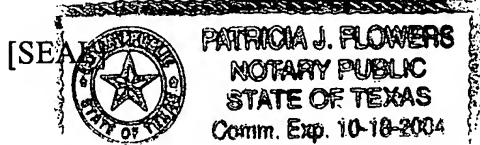
Signature:   
Name: Michael J. Wallace

Date: 9/9/04

STATE OF TEXAS )  
 ) ss.  
COUNTY OF Harris )

BEFORE ME, the undersigned authority, on this 9<sup>th</sup> day of September, 2004 personally appeared Michael J. Wallace, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same of his/her own free will for the purposes and consideration therein expressed.

Patricia J. Flowers  
Notary or Consular Officer



FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701